IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.471 OF 2006

IN

SUMMARY SUIT NO.1208 OF 2006

Bharti Tele-Ventures Ltd. ...Plaintiff.

vs.

Mr.Suresh N. Ganwani & Another. ...Defendants.

Mr.Amit Jamshindikar i/b. M/s.D.H.Law Associates, for Plaintiff.

Mr.Joseph Fernandes, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 9th January, 2007.

P.C.:-

1. This summons for judgment has been taken out in October,2006. Admittedly till this date this summons for judgment has not been served on the defendants. The summons for judgment can be taken out by the plaintiff only on getting intimation that the defendants are served and are appearing. The fact that the plaintiff has taken out the summons for judgment means that according to the

plaintiff, the defendants have been served and are appearing and therefore, there be no excuse for not delivering the copy of the summons for judgment to the defendants. Non delivery of the copy of the summons for judgment on the defendants shows that the plaintiff is not serious in prosecuting his remedy. Such a plaintiff is not entitled to a decree in summary jurisdiction. The summons for judgment is therefore, disposed of. The defendants are granted unconditional leave to defend the suit. The written statement to be filed within Eight weeks from today.